IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 233 (S/B) of 2004

Anil Kumar aged about 42 years,
S/o Late Sri D.Prasad,
Permanent resident of Village Bharosra,
Post Barhoj, District Deoria (UP)
At present Principal,
Govt. Inter College, Jainagar,
District Udham Singh Nagar

...Petitioner

Versus

1. State of Uttaranchal through
   Secretary, Secondary Education, Dehradun
2. Director of Secondary Education, Dehradun, State of Uttaranchal
3. Additional Secretary, Secondary Education, Dehradun, State of Uttaranchal

...Respondents

Hon'ble P.C. Verma, J.
Hon'ble B.S. Verma, J.

By means of this writ petition, the petitioner has prayed for writ of certiorari quashing the impugned transfer order dated 31.07.2004 passed by Additional Secretary, Secondary Education, Dehradun (Respondent No.3) which is Annexure No. 4 to the writ petition.

Brief facts of the case as narrated by the petitioner are that the petitioner after serving more than five years was transferred from Government Inter College, Shitalakhet, District Almora to Government Inter College, Jai Nagar, District Almora on 30.06.2004 on his personal request and pursuant to the said transfer order, the petitioner was relieved on 09.07.2004. The petitioner joined at the new transferred place (Govt. Inter College, Jai Nagar, Distt. U.S. Nagar) on 10.07.2004. However, on 31.07.2004, an order was passed by Addl. Secretary, State of Uttaranchal, Secondary Education, Dehradun by

which the petitioner has been ordered to be transferred from Govt. Inter College, Shitalakhet to Govt. Inter College, Ramgarh, District Nainital. Learned counsel for the petitioner submitted the impugned transfer order is illegal and unjustified in view of the fact that since the petitioner in compliance of the earlier transfer order dated 30.06.2004 has already joined at the transferred place i.e. Govt. Inter College, Jai Nagar, Distt. U.S. Nagar on 10.07.2004 however in the impugned order, petitioner has been ordered to be transferred from Govt. Inter College Shitalakhet, Distt. Almoar where the petitioner is not working.

Keeping in view the facts and circumstances of the case, it is provided that the petitioner shall be allowed to continue to work at Government Inter College, Jai Nagar, District Udham Singh Nagar till the next annual general transfer is made. However, it is made clear that in the next Annual General Transfer, fresh transfer order of the petitioner shall be passed according to Government Policy and till then, the impugned transfer order dated 31.07.2004 shall stand quashed.

With the aforesaid observation, the writ petition is disposed of finally.

(B.S. Verma, J.) 04.03.06

(P.C. Verma, J.) 04.03.06

Rajeev Dang